

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Paul Blackmer

v.

Civil No. 12-cv-461-JD

Merrimack County Superior Court

REPORT AND RECOMMENDATION

Before the court is plaintiff Paul Blackmer's motion seeking clarification of the case status, or, in the alternative, a copy of the docket sheet (doc. no. 14). Blackmer has asserted that because New Hampshire State Prison officials have seized his legal papers, he lacks information about the status of this case.

Background

Blackmer filed this action on November 11, 2012, and submitted an application for in forma pauperis status on December 28, 2012 (doc. no. 3). On January 5, 2013, the undersigned magistrate judge issued a report and recommendation (doc. no. 5), which recommended that the motion for in forma pauperis status be denied pursuant to 28 U.S.C. § 1915(g). The January 5 report and recommendation further recommended that Blackmer be directed to pay the filing fee within thirty days to

avoid dismissal of the complaint. The district judge approved that report and recommendation on January 28, 2013, see Order (doc. no. 8).

The thirty day time period set forth in the report and recommendation (doc. no. 5) has passed. Blackmer has neither paid the fee, nor demonstrated that any exception to 28 U.S.C. § 1915(g) applies in this case.

Conclusion

For the foregoing reasons, the court should deny the motion to clarify (doc. no. 14), insofar as this report and recommendation, along with the courtesy copy of the docket sheet sent to Blackmer in March 2013, provides the requested clarification of the status of this action. Furthermore, the court should dismiss this action without prejudice. See 28 U.S.C. § 1915(g); Blackmer v. Merrimack Cnty. Super. Ct., No. 12-CV-461-JD (doc. no. 5), 2013 WL 322209, at *1-*2 (D.N.H. Jan. 8, 2013), report and recommendation adopted, No. 12-CV-461-JD (doc. no. 8), 2013 WL 322201 (D.N.H. Jan. 28, 2013).

Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's

order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya McCafferty
United States Magistrate Judge

March 5, 2013

cc: Paul Blackmer, pro se

LBM:nmd